UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,192	07/22/2005	Yasuo Mizota	Q89294	9963

23373 7590 04/07/2008

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
KNABLE, GEOFFREY L	

ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
04/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/543,192	MIZOTA, YASUO	
	Examiner	Art Unit	
	Geoffrey L. Knable	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 has been amended to remove the reference to the sides being defined relative to a "peripheral direction" of the drum and rather now defines that the one side is "provided opposite to the other side with respect to a radial direction of the drum". The original disclosure, however, does not define the relation between the sides in this manner, this representing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is considered to be new matter. Note in particular that defining opposite sides with respect to "a radial direction of the drum" is inclusive of any two portions of the drum as long as a radial line can be drawn between them. Thus, for example, this now reads on the two sides being two opposite lateral edges of the drum, their being no implicit or explicit indication that applicant had possession of the invention defined in this manner.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suda et al. (US 2003/0051794) taken alone or further in view of Hitotsuyanagi et al. (US 2002/0046796).

The rejection is maintained for the same reasons set forth in the last office action. The output of the two conveying paths 236/238 are clearly spaced from one another relative to the laying surface, which laying surface can be a drum (note again esp. paragraph [0135]). As such, the two sides can be defined opposite to a radial direction of the drum.

4. Applicant's arguments filed 1-3-2008 have been fully considered but they are not persuasive, at least as regards the remaining rejection. The prior art rejections over JP '509 and Tourtellotte et al. have however been withdrawn in view of applicant's response/amendment.

With respect to the rejection over Suda et al., applicant has argued that the examiner has mixed and matched features of two separate embodiments. In particular discussion of the figs. 19-20 embodiment, it is argued that it is deficient because it does not disclose a drum and thus cannot guide strips to opposite sides of the drum. These arguments are unpersuasive. As noted in the rejection, Suda et al. expressly indicates that a belt-forming drum can be used in place of the conveyor belt (paragraph [0135]), this being expressly in the context of the "third embodiment" - namely the belt manufacturing system of figs. 16-29. The discussion of figs. 14-15 is noted but does not relate to the embodiment of Suda et al. at issue. It is also argued that:

> "Moreover, the rollers 236, 238 (asserted as first and second conveying paths) do not guide the cut strips to one side and to another side of the drum, *the one*

> *side provided opposite to the other side with respect to a radial direction of the drum*. Instead, as shown in FIGS. 19, 20, 23, and 24, the strips appear to be provided at a *same side with respect to the radial direction of the drum*. Specifically, the strips in this embodiment are provided in opposite directions on the conveyor 205 by rotating the strip laying head 220." (emphasis in original).

This argument has been considered but is unpersuasive. The output of the two conveying paths 236/238 are clearly spaced from one another relative to the laying surface, which laying surface can be a drum (note again esp. paragraph [0135]). As such, the two sides can be defined opposite to a radial direction of the drum. Additionally, the argument that FIGS. 19, 20, 23 and 24 only show strips being provided on the same side is plainly incorrect at least with respect to figs. 19 and 20 - clearly fig. 19 shows the strips being guided along path 236 while fig. 20 shows the strips being guided along the path 238, these paths clearly being spaced from one another. Additionally, while it is correct that figs. 23 and 24 guide the strips to the same side (e.g. note paragraph [0121] which suggests that figs. 23-26 show the strip being guided by 236/237), it is emphasized that in the second laying (figs. 27/28), the strip is guided/applied by 238/239. In other words, the two conveying paths are designed to apply the strips in successive oppositely inclined belt layers in much the same manner that applicant's two paths are used to apply the strip in successive oppositely angled belt layers. These arguments are therefore unpersuasive.

The argument that the drum only rotates in one direction in Figs. 11 and 12 of Suda et al. is mixing embodiments. At issue is the figs. 16-29 embodiments which again indicate that to lay the inclined strips, the conveyor 205 is moved both forward and backward (e.g. compare figs. 23 and 25 as well as paragraph [0122]). Further,

again, Suda et al. indicates that *a belt-forming drum can be used in place of the conveyor belt* (paragraph [0135]). As such, when using a belt drum as the laying surface, it is considered that the ordinary artisan would have found it obvious to provide the ability for the drum to rotate in both forward and reverse directions in order to be able to effectively lay the inclined strips in the analogous manner as used with the conveyor belt 205. Again, such is especially true in view of Hitotsuyanagi et al., which is also directed to forming an inclined cord ply by successive laying cord material and in particular suggests laying on either a flat surface (fig. 8) or a drum (fig. 11), opposite drum rotation directions being shown to be understood as an alternative to opposite movement directions of the flat surface (note directions "Y" in each figure). A device as required by claim 1 is therefore still considered obvious.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
March 30, 2008